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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/393,616

09/10/99

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EXAMINER

ENG, G

ART UNIT

PAPER NUMBER

2643

DATE MAILED:

07/05/01

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.

09/393,616

Applicant(s)

OLAFFSON ET AL.

Examiner

George Eng

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 10 September 1999.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-68 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-68 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892) 18) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 16) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948) 19) ☐ Notice of Informal Patent Application (PTO-152)
- 17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 6,9,10. 20) ☐ Other:

## DETAILED ACTION

### *Information Disclosure Statement*

1. The information disclosure statement filed 5/17/2000, 11/6/2000, 12/18/2000, 4/20/2001 (papers no. 6, 9, 10 and 12) has been considered.

### *Claim Objections*

2. Claim 25 is objected to because of the following informalities: claim 25, line 4, "a local remote modem" should be --a remote modem--. Appropriate correction is required.

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 6-7, 10-16, 18-29, 31-35, 38-42, 44-49, 52-56, 58 and 61-68 are rejected under 35 U.S.C. 102(b) as being anticipated by Civanlar et al. (EP 0741481 A2 hereinafter Civanlar).

Regarding claim 1, Civanlar discloses a communication system having a telephone network (116) that delivers call waiting signaling upon detect an incoming call (col. 4 lines 31-32). The communication system comprises a remote modem (104) having a hold mode and a local modem (102) communicatively coupled to the remote modem via shared access to the telephone network (figure 1, abstract and col. 4 lines 10-24). In addition, the local modem directs

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the remote modem to enter the hold mode then temporarily relinquished to the telephone network after detecting the call waiting signaling (col. 2 lines 27-55 and col. 4 lines 34-44).

Regarding claim 6, Civanlar teaches the remote modem remaining in the hold mode for no longer than a predetermined interval (col. 9 lines 28-37 and col. 10 lines 11-19).

Regarding claim 7, Civanlar teaches the local modem using V.42 standard protocol to set up a secondary channel for signaling the remote modem regarding the hold mode (col. 9 line 57 through col. 10 line 1).

Regarding claim 10, Civanlar teaches to maintain a network connection by communicating with upper layers while in the hold mode (col. 7 lines 21-36).

Regarding claim 11, Civanlar discloses a communication system comprising a local link (from switch A, 110, to modem, 102), a telephony device (115) coupled to the local link, a remote modem (104) having at least one associated telephone number, and a local modem for establishing a data session with the remote modem by dialing the associated telephone number, wherein the local modem directs the remote modem to maintain the data session and temporarily relinquishes the local link to the telephony device after detecting a need to relinquish the local link to the telephony device (col. 2 lines 27-55 and col. 6 line 8 through col. 8 line 12).

Regarding claim 12, Civanlar teaches to re-establish the data session without re-dialing the associated telephone number (col. 8 lines 13-48).

Regarding claim 13, Civanlar teaches to relinquish the local link to the telephony device comprising detecting call waiting signaling (col. 6 lines 20-22).

Regarding claims 14-15, Civanlar teaches to relinquish the local link to the telephony device comprising detecting a user initiated request or an attention signal (col. 7 lines 7-13).

Regarding claim 16, Civanlar teaches the communication system further comprising processor A (i.e., a computer) coupled to the local modem, wherein the determination of whether to service incoming calls is performed automatically by the processor based upon user's input (col. 7 lines 7-20).

Regarding claim 18, Civanlar teaches call waiting service used to support the telephony device (col. 1 lines 14-25).

Regarding claim 19, Civanlar discloses a modem (102) coupled to a computing system via a telephone line to a telephone network (116), wherein the modem comprises a processing circuit having a first mode in which communication is exchanged in an established data session and a second mode in which the established data session is temporarily placed on hold, and the processing circuit entering the second mode in response to signals received via the telephone network and interacting with a protocol stack as if the processing circuit was operating in the first mode (col. 2 lines 27-55 and col. 6 line 8 through col. 8 line 12).

Regarding claim 20, Civanlar clearly discloses the data session comprising communication on a primary channel, wherein the signal received via the telephone network are received on a secondary channel (figure 1).

Regarding claim 21, Civanlar discloses a modem (102) coupled to a computing system via a telephone line to a telephone network (116), wherein the modem comprises a processing circuit for establishing a data session by dialing a telephone number. In addition, the processing circuit is used for detecting a need to relinquish the telephone line to the telephony device, maintaining the data session while temporarily relinquishing a local link to the telephony device

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and re-establishing the data session without having to re-dial the telephone number (col. 2 lines 27-55 and col. 6 line 8 through col. 8 line 48).

Regarding claim 22, the limitations of the claim are rejected as the same reasons set forth in claim 13.

Regarding claim 23, the limitations of the claim are rejected as the same reasons set forth in claims 14-15.

Regarding claim 24, the limitations of the claim are rejected as the same reasons set forth in claim 16.

Regarding claim 25, Civanlar discloses a communication system comprising a local telephone link, a local modem (102) attached to local telephone link and a remote modem (104) engaged in an ongoing data session with the local modem, wherein the local modem temporarily relinquishes the local telephone link after detecting a need to relinquish the local telephone link, and the remote mode attempts to maintain the data session after detecting the need to relinquish the local telephone link (col. 2 lines 27-55 and col. 6 line 8 through col. 8 line 12).

Regarding claims 26-27, the remote modem detecting the need through a communication from the local modem via a central office (col. 7 lines 21-36).

Regarding claim 28, the limitations of the claims are rejected as the same reasons set forth in claim 25.

Regarding claims 29 and 31, Civanlar teaches to share a link by placing the local modem on hold in order to using a telephony device to accept a call waiting call (col. 7 lines 33-56).

Regarding claim 32, Civanlar discloses a communication device (102) for communication with a remote device (104) over a communication channel, wherein the

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communication device obviously comprises a receiver for receiving attention signal (col. 6 lines 32-33), a decoder for decoding the attention signal (col. 6 lines 37-40), and a transmitter for transmitting a hold request to the remote device in response to the attention signal (col. 7 line 21-23), wherein the communication over said channel ceases for a period of time after transmitting the hold request (col. 7 line 29-36).

Regarding claim 33, Civanlar teaches the hold request including the period of time (col. 9 lines 31-37).

Regarding claim 34, Civanlar teaches a handset in communicating with a third party call as a result of said handset going off-hook (col. 7 lines 36-47).

Regarding claim 35, Civanlar teaches the attention signal comprising a call waiting tone (col. 6 line 33).

Regarding claim 38, the limitations of the claim are rejected as the same reasons set forth in claims 14-15.

Regarding claim 39, Civanlar teaches that the attention signal is an emergency call (col. 6 lines 47-52).

Regarding claim 40, Civanlar teaches the communication device keeping an upper layer protocol alive during said period of time, i.e. during hold period (col. 7 lines 29-31).

Regarding claim 41, Civanlar discloses to retransmit the hold request using a secondary channel (col. 7 lines 21-24).

Regarding claim 42, Civanlar discloses said communication device receiving an acknowledgement in response to the hold request (col. 7 lines 24-27).

Regarding claim 44, the limitations of the claim are rejected as the same reasons set forth in claim 32.

Regarding claim 45, the limitations of the claim are rejected as the same reasons set forth in claim 33.

Regarding claim 46, the limitations of the claim are rejected as the same reasons set forth in claim 34.

Regarding claims 47-48, Civanlar teaches to provide a new communication channel, i.e., channel for connecting telephone device A and telephone device C (col. 8 lines 10-12) which is inherently includes the step of providing a dial tone.

Regarding claim 49, the limitations of the claim are rejected as the same reasons set forth in claim 35.

Regarding claim 52, the limitations of the claim are rejected as the same reasons set forth in claim 38.

Regarding claim 53, the limitations of the claim are rejected as the same reasons set forth in claim 39.

Regarding claim 54, the limitations of the claim are rejected as the same reasons set forth in claim 40.

Regarding claim 55, the limitations of the claim are rejected as the same reasons set forth in claim 41.

Regarding claim 56, the limitations of the claim are rejected as the same reasons set forth in claim 42.



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Regarding claims 61-62, the limitations of the claims are rejected as the same reasons set forth in claims 47-48.

Regarding claim 63, Civanlar discloses a routing method for use in a communication system including a first communication device (102), a second communication device (104), and a third communication device (115), wherein the first communication device and the second communication device are in communication over a communication line (col. 6 lines 10-13), the routing method comprising the steps of requesting said communication to be placed on hold (col. 6 lines 33-40), receiving an acknowledgement from said first device that said communication has been placed on hold for a period of time (col. 7 lines 21-36 and col. 9 lines 20-37), switching the communication line from the first device to the third device (col. 7 line 36 through col. 8 line 12), and resuming the communication after expiration of the period of time (col. 9 lines 38-56).

Regarding claim 64, Civanlar teaches to transmit an attention signal, i.e., an call waiting alert tone, to said first device (col. 6 lines 33-40).

Regarding claim 65, Civanlar teaches to transmit an attention signal, i.e., a hold request signal, to the second device (col. 7 lines 21-36).

Regarding claim 66, the limitations of the claim are rejected as the same reasons set forth in claim 63.

Regarding claim 67, the limitations of the claim are rejected as the same reasons set forth in claim 40.

Regarding claim 68, the limitations of the claim are rejected as the same reasons set forth in claim 41.

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***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 2-5, 43 and 57-59 are rejected under 35 U.S.C. 103(a) as being unpatentable over Civanlar et al. (EP 0741481 A2 hereinafter Civanlar) in view of Cai et al. (US PAT. 5,550,908, cited by the Applicant, hereinafter Cai).

Regarding claims 2-4, Civanlar differs from the claimed invention in not specifically teaching to perform caller identification processing for determining whether to service incoming calls. However, Cai teaches to provide interoperability between a first modem and a calling identity delivery on call waiting (col. 8 lines 26-47). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to Civanlar in performing

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caller identification processing because it provides telephone subscribers with helpful information for deciding whether or not to accept a call waiting call.

Regarding claim 5, Civanlar teaches the communication system further comprising processor A (i.e., a computer) coupled to the local modem, wherein the determination of whether to service incoming calls is performed automatically by the processor based upon user's input (col. 7 lines 7-20).

Regarding claim 43, the limitations of the claim are rejected as the same reasons set forth in claims 2-4.

Regarding claims 57-59, the limitations of the claims are rejected as the same reasons set forth in claims 2-4.

7. Claims 8-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Civanlar et al. (EP 0741481 A2 hereinafter Civanlar) in view of Hamasaki (US PAT. 5,131,025).

Regarding claims 8-9, Civanlar differs from the claimed invention in not specifically teaching a table storing pre-select caller identification information for comparison with the call identification information of incoming calls to determine whether to service incoming call. However, Hamasaki teaches an intelligent modem comprising means for storing identification information and means for comparing the stored identification information with the call identification information of incoming calls to determine whether to service incoming call (col. 9 lines 53-65). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Civanlar in having storing means and comparing means

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because prevents the operation of modem communication from being disrupted by unauthorized parties.

8. Claims 17, 36-37 and 50-51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Civanlar et al. (EP 0741481 A2 hereinafter Civanlar).

Regarding claim 17, Civanlar differs from the claimed invention in not specifically teaching that three-way calling services are used to support the telephony device. However, it is old and well known in the art of providing three-way calling services in a telephone device in order to enable a user add another user to an existing call. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Civanlar in having three-way calling services because it makes user friendly.

Regarding claim 36, Civanlar teaches to send a call waiting notice signal to user in response to receive call waiting tone (col. 6 lines 41-58). Although Civanlar does not specifically disclose the call waiting notice signal as a ring signal, it would have been obvious to modify the call waiting notice signal as the ring signal because it is common in use for notify a called party of an incoming call.

Regarding claim 37, the examiner takes an official notice that it is well known in the art of a communication device having an auto re-dial feature to re-dial to a called party periodically due to the called party operating in busy condition. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Civanlar in generating the attention signal periodically by the requesting device due to the use of auto re-dial function.

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Regarding claim 50, the limitations of the claim are rejected as the same reasons set forth in claim 36.

Regarding claim 51, the limitations of the claim are rejected as the same reasons set forth in claim 37.

9. Claim 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over Civanlar et al. (EP 0741481 A2 hereinafter Civanlar) in view of Benson (US PAT. 6,104,800).

Regarding claim 30, Civanlar differs from the claimed invention in not specifically teaching the competing need comprising a need for rerouting. However, Benson teaches such (abstract and col. 3 line 66 through col. 4 line 12). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Civanlar in having an option of rerouting because it enhances the system to reroute call to alternative route.

10. Claim 60 is rejected under 35 U.S.C. 103(a) as being unpatentable over Civanlar et al. (EP 0741481 A2 hereinafter Civanlar) in view of Shachar et al. (US PAT. 5,764,736 hereinafter Shachar).

Regarding claim 60, Civanlar differs from the claimed invention in not specifically teaching that the attention signal is generated as a result of placing a call from a Web page. However, Shachar teaches to make a voice connection to a voice network address based upon selection of a service object during data communication (col. 6 lines 1-14). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to

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modify Shachar in generating the attention signal as a result of placing a call from a Web page because it makes user friendly for switching communication connections.

***Conclusion***

11. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 308-6306, (for formal communications; please mark "EXPEDITED  
PROCEDURE")

Or:

(703) 308-6296 (for informal or draft communications, please label  
"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal  
Drive, Arlington, VA., Sixth Floor (Receptionist).

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to George Eng whose telephone number is (703) 308-9555. The examiner can normally be reached on Tuesday to Friday from 7 AM to 5:30 PM.

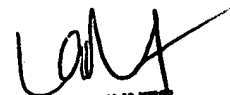
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Curtis Kuntz, can be reached on (703) 305-4708.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

GEORGE ENG

1 July, 2001

  
CURTIS KUNTZ  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600